

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ADRIAN DONTÉ WILSON**

**PLAINTIFF**

**V.**

**CAUSE NO. 3:21-CV-723-CWR-FKB**

**BRAND HUFFMAN**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Magistrate Judge F. Keith Ball’s Report and Recommendation (“R&R”), Docket No. 12, which recommends that Brand Huffman’s (“Respondent”) Motion to Dismiss, Docket No. 10, be granted and that this case be dismissed with prejudice. Docket No. 12 at 5. Having reviewed the R&R *de novo* and having carefully considered the submissions of the parties, the Court adopts the R&R as the opinion of the Court.

On July 18, 2017, a jury in Copiah County, Mississippi, found Petitioner Adrian Donte’ Wilson guilty of two counts of burglary. Docket No. 1. That same day, the Circuit Court sentenced him to a term of seven years imprisonment on each count, to run consecutively.

Wilson challenged his conviction and sentence in the Mississippi Court of Appeals, which affirmed the trial court’s decision on December 11, 2018. In June 2019, Wilson filed a “Request for Removal to Appeal to the Mississippi Supreme Court.” Construing his filing “in the nature of a petition for writ of certiorari,” the Mississippi Supreme Court rejected his petition as untimely on August 1, 2019. Wilson sought further post-conviction relief in the Mississippi Supreme Court, but that also was denied.

This Court received Wilson’s 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus on October 27, 2021. He argues that his trial counsel was ineffective, Docket No. 1 at 6, and that he has “new evidence that supports [a] claim of ‘actual innocence.’” Docket No. 13 at 2. Huffman

filed a Motion to Dismiss, arguing that the petition is time-barred. Docket No. 10. Wilson did not respond to the Motion to Dismiss.

On July 5, 2022, Magistrate Judge Ball recommended that Wilson's federal habeas petition be dismissed as time-barred because it was filed after the Antiterrorism and Effective Death Penalty Act's, 28 U.S.C. § 2244(d), one-year statute of limitations had run. The Court agrees. Accordingly,

**IT IS HEREBY ORDERED** that Magistrate Judge F. Keith Ball's Report and Recommendation, Docket No. 12, is **ADOPTED** as the findings and conclusions of this Court.

**IT IS FURTHER ORDERED** that the Motion to Dismiss, Docket No. 10, is **GRANTED**.

A separate final judgment shall issue this day. No certificate of appealability shall issue.

**SO ORDERED**, this the 26th day of August, 2022.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE